

REMARKS

Applicants earnestly but respectfully request the reconsideration and allowance after the Examiner enters the above-presented amendment to claim 1.

Applicants' legal representative acknowledges the Examiner's courtesies and considerations extended during a telephone interview conducted on February 17, 2005. The above-presented claims were discussed and the proposed deletion of the word "between" in claim 1 was specifically addressed and approved by the Examiner. The Examiner's willingness to undertake this consideration is greatly appreciated.

The amended claim 1 should resolve the formality objections/rejections in the January 24, 2005 Office Action. It is not seen that the deleted word adversely affects claim scope.

Applicants respectfully request the Examiner to re-consider their Specification at page 9, Table 2, specifically Trial 1. That Trial refers to product tested having a weight ratio of sorbitol/erythritol of 60/40, namely a product representative of claim 1. The Physicochemical-Organoleptic Evaluation reported for that Trial shows the product as having a smooth transparent surface, crunchy coating and had a cooling affect.

Applicants also earnestly but respectfully submit that the previously tendered Declaration evidence is reasonably commensurate with the claim scope. It is respectfully submitted in this regard that the corrected claim 1 obviates the concerns articulated in the Office Action at page 4 whereby the declaration evidence is without cavil reasonably commensurate in scope with the claims proffered for examination.

It is also respectfully submitted that the Declaration previously submitted cited in the Office Action at page 4 does present a comparison between the invention as claimed and the cited Rosenplenter reference (either the EP or the U.S. counterpart), from which it will be

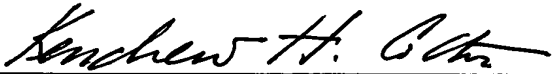
Amendment Under 37 CFR §1.116
Application No. 09/586,964
Amendment dated March 1, 2005
In response to Office Action dated January 24, 2005

Atty. Docket No. 7393/71920

seen the present invention yields a product having the desired characteristics whereas the cited reference does not.

Applicants have endeavored to address all matters presented. Applicants therefore earnestly, but respectfully, solicit favorable action, *viz.* a Notice of Allowance.

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